17.11.05 P/1 P/2

SINGLE BENCH (1) 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 5909 /2005

PETITIONER

Ratan Kumar Gajbhiye,
S/o. Late Shri B.D. Gajbhiye,
Aged about 46 years, Presently Posted as Range Officer, Udanti Abhyaran, Udanti Van Mandal Gariyabandh, Raipur (C.G.)

P.R. No. 6019/05 Presented by A.K. Dubey dated 23/11/05

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Forest Department, Secretariat,
D.K.S. Bhawan, Mantralaya,
Raipur (C.G.)

RECEIVED COPY 22.11.05 CLERK O/A, G. BILASPUR

2. Divisional Forest Officer,
Mahasamund, Distt. Mahasamund
(C.G.)

3. Manoj Kumar Shah,
S/o.Not known, Forest Range Officer,
Special Duty, Forest Range
Mahasamund, Distt. Mahasamund
(C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ...W.P.5909/... **सन्** 2005

(75)

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**20-6-2006**

Mr. Anand Kumar Tiwari, counsel for the petitioner.

Mr. A.S. Kachhawaha, Govt. Advocate for the State/respondents No.1 & 2.

Mr. Praveen Das, counsel for respondent No.3.

Heard.

By the instant writ petition, the petitioner, who is working as Forest Range Officer at Udanti Abhayaran Forest Range Gariyaband, has questioned legality, propriety and correctness of the order dated 17-11-2005 (Annexure P-1) issued by the Special Secretary, Government of Chhattisgarh, Department of Forest, whereby respondent No.3 namely, Manoj Kumar Shah whose name appears at serial No.4 in the transfer list has been posted on the post where the petitioner is already working and in respect of the petitioner no order regarding posting has been passed. Therefore, by the impugned order, learned Special Secretary has created a position, which has brought both the petitioner and respondent No.3, as well as the State in litigation.

I fail to understand how such orders are being passed by the authorities where there is only one sanctioned post, then how two persons can work on one post. It is not the first instance. On account of such orders number of petitions are being filed in this Court and I distinctly remember that 2-3 days back a matter came up before this Court in which without there being any post vacant, one Tehsildar was transferred to District: Kanker and this Court perforce stayed that order. Therefore, the Chief Secretary of the State is directed to look into the matter and apprise his Officers to refrain from passing such orders which not only force the Officers to go into litigation, but the State is

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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(76)

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

also forced to go into litigation. He should direct the concerned Officer i.e. the Special Secretary, Department of Forest, to pass an appropriate order in the instant case, so that one person remains against the sanctioned post and other person is posted on another vacant sanctioned post, within a period of two weeks from today.

With the observation and direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.Nos.4702/2005, 276/2006, I.A. Nos.9838/2005 and 1034/2006 also stand disposed of.

Additional Registrar (Judicial) to send copy of this order by speed post and fax for compliance.

Parties are entitled for certified copy of this order.

**Sd/-**
**L.C. Bhadoo**
**Judge**

Soma

21.6.06 22-6-06 23-6-06